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SUMMARY RECORD OF THE 479th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 22 September 1998, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Ecuador (CRC/C/3/Add.44); written replies by the Government of Ecuador to the questions raised in the list of issues

1. At the invitation of the Chairperson, the members of the delegation of Ecuador took places at the Committee table.

2. Mr. GALLEGOS CHIRIBOGA (Ecuador) presented the apologies of the Minister of Social Welfare, who had been prevented by urgent affairs in Ecuador from attending the session. President Jamil Mahuad's new Government was committed to devoting particular attention to the rights of the child through concrete activities and programmes.

3. Three new elements had emerged from recent developments which were not covered in the written responses. Firstly, the New Political Constitution of Ecuador had come into force on 10 August 1998, reinforcing existing provisions to guarantee respect for basic human rights and compliance with international treaties. The rights and guarantees embodied in the Ecuadorian Constitution and in the international treaties to which Ecuador was a party would be immediately applicable before any judge, court or authority. The significant innovations contained in the Ecuadorian Constitution were a model for the region and the world. Secondly, the National Human Rights Plan had recently been approved, at the instigation of the Foreign Minister, the former High Commissioner for Human Rights, Mr. José Ayala Lasso. It provided for the implementation of concrete programmes and activities, of which the rights of the child would be a prime objective. Thirdly, Technical Cooperation Agreements had been concluded between the Government of Ecuador and the Office of the High Commissioner for Human Rights, with a view to strengthening the National Plan, improving the presentation of reports to the treaty bodies and supporting national human rights institutions. UNICEF had actively supported the Government's endeavours. Ecuador fully shared the Committee's commitment to solving problems which obstructed the full exercise of the rights of the child, and his delegation would welcome an open dialogue with the Committee.

4. Forty-eight per cent of Ecuador's 12 million inhabitants were under 18 years of age, which accounted for the Government's concern and commitment to guaranteeing their future, financial constraints notwithstanding. Meanwhile, Ecuadorian society was receptive to the values embodied in the Convention and to pursuing appropriate activities and measures.

5. Under the National Human Rights Plan, it was intended to publicize the reports and recommendations of the Committee, since the issues at stake involved civil society, grass-roots organizations and NGOs, as well as the Government. Despite the side effects of the international financial crisis on the Ecuadorian economy and its more vulnerable sectors, the Government would do all in its power to overcome the resulting constraints and was committed to forging a better future for the children of Ecuador.

6. He apologized for the delayed submission of Ecuador's written responses, in Spanish only, which had been due in part to the change of government on 10 August 1998, but also to the highly regrettable cutback in the budgets of the United Nations human rights bodies. It had only been with the assistance of UNICEF that an, albeit unofficial, English language version of the replies could be produced. Translations into English and French of the National Human Rights Plan and other documents had been prepared in Ecuador for submission to the Committee. It had to be pointed out, however, that the current financial restrictions on the Secretariat not only made it difficult for small countries like Ecuador to submit adequate reports to the Committee, but also detracted from the fulfilment of human rights objectives.

7. Mrs. MOKHUANE was concerned that, although Ecuador was State party to a number of human rights treaties, the pyschosocial well-being, development and participation of children was not being promoted, reflecting a failure to translate policy declarations into action. When would the National Human Rights Plan, which had been adopted in 1991, be put into effect? The disparities mentioned in the report between urban and rural populations and between indigenous peoples and other citizens were of grave concern, given their impact on children in such areas as housing, access to health and good nutrition. Such necessities were often sacrificed to macroeconomic concerns and to the dictates of structural adjustment policies. She asked whether the Government was taking any action to address the problem of poverty as it related to children.

8. Mrs. MBOI complimented the delegation on the comprehensive and honest tenor of the Ecuadorian report and acknowledged the Government's commitment to the protection of children. She was however concerned that the exploitation of poverty offered real potential for the violation of human rights and particularly the rights of the child. She asked what mechanisms and action programmes were envisaged by the Government to alleviate poverty and what precautions were being taken to prevent such exploitation and violations. She was concerned that cutbacks in the social investment budget would inevitably have a negative effect on children.

9. Mrs. SARDENBERG shared the delegation's concern regarding the difficulty of translating documents as a result of budget reductions. She was surprised to note, however, that the report had not been structured in accordance with the Committee's guidelines, which hampered a clear understanding. Despite the legal focus of the report, it was very open and frank in acknowledging the numerous problems that existed in Ecuador, while the written responses provided more up-to-date information. She asked how the new Constitution and the change of Government would affect the situation of children. Also, on the institutional front, would a body be created to coordinate and monitor the implementation of the Convention? The new National Human Rights Plan constituted a major step forward in adopting an integrated approach to the implementation of the human rights treaties ratified by Ecuador. She asked, however, whether the necessary administrative structure and resources were available to implement it.

10. Mrs. OUEDRAOGO drew attention to the absence of any French translation of the written responses. She asked whether the recommendations featuring in the initial report had been discussed in depth and, if so, at what level, and

how the Government intended to follow up the recommendations. In connection with the Government's efforts to publicize the Convention, she requested further information on grass-roots organizations defending children. Did such bodies work with the population on the subject of the rights of the child and what was the reaction of the more conservative, traditional sectors of the population to the concept of such rights? Despite efforts to publicize the Convention, a survey had demonstrated that many people were not aware of its existence. She welcomed the initiative of the Education Ministry in including information on the rights of the child in school textbooks and asked whether such action to inform children of their rights would be continued.

11. Ms. PALME was worried about the proportion of children in a situation of poverty in Ecuador. Despite the fact that Ecuador had been among the first States to ratify the Convention, the prevailing climate of economic difficulty had brought development to a halt for the majority of the population. Rates of child and under-5 mortality were very high and almost half the population lived without access to drinking water and sanitation, while 45 per cent of children were chronically undernourished; those were all very worrying signs for a country with an honest commitment to children. Also, in the past, the World Bank's policies had not been conducive to defending the best interests of children. However, the key to success lay in the level of commitment of the State party to the Convention and to ensuring continuity in its implementation. What was needed was perhaps not more information, which was already extensive, but concrete measures to put Ecuador's stated good intentions into practice.

12. Mr. RABAH asked why the Convention had not become better known during the eight years since it had been ratified, and how the provisions of the Convention were being transposed into domestic legislation in the areas of health, education and social security. Did the Convention prevail over domestic legislation in the event of a conflict, or was the Convention considered to be part of national legislation? How were such matters dealt with by the courts? He asked whether NGOs had been involved in preparing the Ecuadorian report.

13. Mr. KOLOSOV suggested that it would be helpful to the Committee in drawing up its recommendations to know how the Ecuadorian authorities had reacted in the past to the recommendations issued by other treaty bodies, for instance, how government structures coordinated measures with a view to implementing recommendations.

14. The CHAIRPERSON welcomed the fact that the new Government of Ecuador had apparently not disclaimed the report, despite the fact that it had been drawn up by a previous Government. She asked to what extent the new administration intended to implement the very useful recommendations contained in the report.

15. Mr. GALLEGOS CHIRIBOGA (Ecuador) said that, despite the fact that two years had elapsed since the report had been submitted and the entry of a new government, under the democratic process the responsibility for ensuring compliance with the Convention on the Rights of the Child and with international human rights treaties lay with the Ecuadorian State, and as such should be assumed by successive governments. On the subject of giving effect to the Committee's recommendations, he said that reports were drawn up with

the full participation of civil society, and not by the Government alone. Likewise, 640 NGOs, and other bodies such as UNICEF, had been involved in drafting the National Human Rights Plan, and the Committee's recommendations, and indeed all related documents, were fully available to the general public.

16. In response to Mr. Kolosov's questions regarding the recommendations ensuing from reports submitted by Ecuador to other treaty bodies, which incidentally entailed extremely onerous reporting duties, such recommendations were communicated to civil society and were binding.

17. In response to Mr. Rabah's questions, under the new Constitution, for the first time in Ecuador's history, judges, the administration sector and the local sector were bound to treat international human rights treaties on a par with domestic legislation. Consequently, those treaties could be invoked even where no binding domestic legislation existed, constituting a major step forward in the protection in Ecuador of the rights embodied in international treaties.

18. Replying to Mr. Rabah's question concerning harmonization of codes and laws with social-sector needs, he promised that the Constitution would be translated into all the languages of the Committee. The discussions that had led to Ecuador's new Constitution had involved all sectors nationwide, including NGOs, grass-roots and citizens' organizations and political parties, in the reform of juridical and State structures and the creation of mechanisms for efficient and coherent management. One problem encountered was the multiplicity of the issues involved. All administrations in the past 10 years had attempted to solve the problem, but had been confronted with a series of difficulties, not least of which was the lack of adequate statistics covering a country of 12 million inhabitants - 48 per cent of whom were under 18 - with a poverty rate of over 60 per cent. Ecuador had recently been the victim of the El Niño phenomenon, which had destroyed all its coastal infrastructure and affected over 60 per cent of the population. Whereas in the 1960s Ecuador had been an agricultural country, it had suffered gross urbanization generated by poverty and migration, with the attendant destruction and strains on the resources of a government unable to provide essential services to the new urban population. There were also cultural differences between cities and rural areas. Ecuador was a multi-regional country, parts of which were located in the Amazon forest, others in the Andes, on the coast and in the Galápagos Islands; the structural, cultural, ethnic and economic differences between regions hampered the collection of the statistics sorely needed for devising solutions to the problems and implementing programmes.

19. One of the developing countries' most pressing problems was abject poverty, which could not be eradicated owing to lack of access to international markets. Poverty was also imported; it was the reverse side of the benefits of globalization. For instance, the economy of Ecuador, an oil-exporting country, had been hard hit by the crisis of Asia and other oil-importing countries, which had slashed oil prices, as it had been by the restriction on banana exports to Europe, currently under discussion by the World Trade Organization.

20. Replying to Ms. Palme, he said that more than 40 per cent of the country's budget was devoted to repayment of its external debt, prompting its

President to declare recently that the only solution was to renegotiate with the international financial institutions a heavy debt burden that made it impossible to deal with the problems besetting all sectors of society, 60 per cent of whom currently lived below the official poverty line. The situation was being reviewed with a view to achieving the Government's target of a "twenty-twenty" budget balance, whereby 20 per cent of its budget would be allocated to social programmes.

21. One of the main obstacles to implementation had been encountered in the juridical sector, which had been developed and greatly improved, although work was still required on the Constitution's effect on other laws, which Parliament would need months to reformulate. One important development of Ecuador's recognition of the Convention was the replacement of the outmoded concept of the former Children's Code whereby a child was endowed with less capacity than an adult, with the notion that children enjoyed citizenship from birth and all related rights.

22. The collaboration of organizations like UNICEF and UNDP was vital to Ecuador for solving its problems and establishing programmes, some 40 were mentioned in the written replies, in addition to others being implemented with the help of the World Bank and the Inter-American Development Bank. He agreed with Ms. Palme that the World Bank and IMF requirements had become more flexible, but felt that they could be relaxed further. Need was a social problem and could generate social crises in countries whose international financial obligations prevented them from making good deficiencies in such essentials as drinking water and nutrition. The causes were to be found partly in the economic crisis and large-scale urbanization; newcomers could not find jobs, and jobs could not be generated without national and international investment. Ecuador was therefore making the necessary investment.

23. The recent massive flight of capital from Latin America to the developed countries would gravely exacerbate the crises in Africa and Asia. Ecuador therefore needed to redouble its efforts to overcome those problems, a task which was all the more difficult at the beginning of a new administration.

24. In answer to Ms. Ouedraogo's question as to whether the recommendations were a topic of in-depth discussion, he said that the Convention had been widely disseminated through the formal education system, various mechanisms for the promotion of children's rights, and the different media. The idea was to ensure that the values enshrined in the Convention were internalized, and massive education programmes had been organized to ensure that citizens were aware of their rights, as well as their obligations to refrain from actions such as discrimination, torture or murder. The programmes were aimed not only at the general population, but, with assistance from the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees (UNHCR), at judges and law enforcement officials in particular. A UNHCR-assisted programme trained members of the armed forces - some of whom were even awarded master's degrees - to serve as human rights instructors to other sectors of the armed forces, an area in which Ecuador was far in advance of other countries of the region. Protection of refugees was the subject of a massive education

programme for police officers. The Convention had been disseminated not only in Spanish, but also in Quechua and other indigenous languages in order to target different cultures.

25. As part of the structural reform and modernization of the Ecuadorian State, it was essential to devise programmes - linked to World Bank and IMF requirements - to measure the impact of the country's actions.

26. He agreed with Mrs. Sardenberg that no precise methodology had been applied in the presentation of Ecuador's report. The reporting guidelines had not been followed because the various sectors had submitted their information separately, and it had been included in the report in its original form. However, Ecuador was seeking ways of making the information submitted to the treaty bodies more uniform, a problem it hoped to solve with its programme of cooperation for the drafting of reports. In that way, the reports would lead to recommendations that were binding on the State. He thanked those who had made reference to the transparency of the report, and assured the Committee that the Government looked forward to its inputs.

27. The advantage of the new Plan was that it established certain levels of objectives, each of which had been accorded a programme and a strategy for its attainment. The Ministry of Foreign Affairs had been entrusted with its implementation and had assumed responsibility for the State's international commitment, which included reporting to the United Nations treaty bodies.

28. Coordination referred first and foremost to national coordination. The fact that over 600 NGOs were working in Ecuador attested to a major advance insofar as the public was engaged in a wide-ranging dialogue with them and with other indigenous and trade-union organizations, all of which had been consulted. Moreover, the reports were couched not in legalistic language, but in one that all the inhabitants of a country, half of whose population was under 19, could easily understand. In Ecuador, as in many developing countries with primarily young populations and no negative growth rate, the family and the child were among its prime assets. The problem, therefore, affected not only children, but entire families, all members of which became the victims of globalized poverty. The Plan endeavoured to alter the entire structure of human rights management, which focused on strategies and ways of implementing them. A section was devoted to children, to the indigenous population and to the Afro-Ecuadorian population and introduced the concept of collective rights not addressed in the previous Constitution, such as the right to bilingual education and to publication of texts in indigenous languages. The aim was for those values to be inculcated in all Ecuadorians and become a part of their daily lives.

29. In response to Mrs. Mokhuane's question concerning fulfilment of the 1990 objectives, he expressed his disappointment at the failure to attain them all. Ecuador was attending meetings with other countries of the region - the next to be held in Peru - to adapt their solutions to the region's actual situation, determine why objectives had not been met, and find ways of meeting them. An important aspect of urban poverty was the marginalization of large suburbs, a phenomenon experienced by all Third World countries, where peasants, unable to obtain a decent price for their farm products, flocked to

the cities. As a result, countries like Ecuador had to make enormous efforts to supply the new urban sectors with services for which no provision had been made.

30. The adverse effects of urban migration had been mitigated by the fact that the rural exodus had not been concentrated in Quito alone, but had also been absorbed by the seaport of Guayaquil (the country's largest city) and the third largest city of Cuenca.

31. Of the utmost importance was the fact that the current President, Mr. Jamil Mahuad, had enormous experience of a city's requirements, having been a highly successful mayor of Quito, in which office he had always ensured respect for children's rights. He had created the Mayors for the Defence of Children's Rights, which had been replicated in the region with the establishment of the Latin American Mayors for the Defence of Children's Rights, which Mr. Mahuad had chaired. The ombudsman referred to in Ecuador's replies and provided for under the new Constitution had recently been elected. The office of children's ombudsman had been created by the municipality of Quito. Under the old Spanish system, the municipal government had enjoyed great independence from the central government. As in most Latin American countries, the system was one of republican government separated into the Executive branch, the Legislative branch and the Judiciary. However, a children's ombudsman had also been set up as a municipal institution, having close contact with both the mayor and his "township". While it was not unusual for it to receive complaints of violations of children's rights, it had lacked a judicial instrument at that time. Therefore, the answer to Mr. Rabah's question concerning the ombudsman's power to issue judgements was that he had to refer to a higher judicial authority. The situation had changed since 1990, under the new Constitution; the current decentralized structure of the office enabled the township to intervene directly in defence of children's rights, and take decisions that were legally binding. Therein lay one of the achievements of Ecuadorian society.

32. Replying to Mrs. Mokhuane's question about macroeconomic adjustments, he said that in the past fortnight, owing to the financial diagnosis, Ecuador had been obliged, at the IMF's instigation, to devalue the sucre by 15 per cent, increase the price of drinking water and electricity and suspend all subsidies, thus seriously affecting the most needy sectors of the population. Accordingly, his answer to Mrs. Mokhuane and Ms. Palme was that even though some financial institutions had contributed resources for solving problems, the diagnosis was still exceedingly harsh for many developing countries like Ecuador. Suffice it to recall that only a few days previously UNCTAD had drawn attention to the extraordinary burden being placed on the countries of Africa mainly, but also Asia and Latin America, and the fact that economic readjustment involved too heavy a burden at too high a social cost. Regrettably, Ecuador lacked the resources to enable it to spend less on debt repayments and more on implementing social sector programmes.

33. Pages 46 to 48 of the written replies contained a table listing the country's achievements and categorizing other goals in quantitative and qualitative terms. Iodization of all salt for human consumption, a UNICEF requirement, constituted a major achievement, representing a concerted effort by the private sector, the Government and grass-roots organizations, as did

BCG immunization of all children under one year old. The Constitution had been successfully reformed by 102 parliamentarians meeting in a constitutional assembly and was currently one of the most favourable to human rights in Latin America. While not all goals had been attained, Ecuadorian administrations had been, and would be, firmly committed to according priority to local implementation of the Convention on the Rights of the Child, the Declaration of the Rights of the Child, the Declaration on Adoption, and all other human rights instruments specifically mentioned in the Constitution.

34. Mrs. SARDENBERG, noting that some of the problems relating to poverty and a number of obstacles to progress were long-standing and not attributable solely to the impact of globalization, said she was concerned about the apparent gap between the commitment to the Convention evidenced by the Government and the action being taken to give effect to it. While the adoption of the new Constitution was an important step in providing a framework for action, as was the adoption of the National Plan of Action and other reforms, the enormity of the challenge was such that those measures appeared to be still at the stage of a declaration of intent. The Committee would like to know what the priorities for action under the Plan were and what immediate steps were expected for its implementation on the ground. The high level of awareness of the Convention among children, although admirable, needed to be backed by practical measures. In addition, information on the proportion of the population represented by indigenous peoples would be welcome, since it appeared that they were particularly poorly served as regarded health care, education and other basic services. Was there any intention to appoint a coordinator for policies relating to children? There might be some difficulty in expecting the ministries responsible for implementing the Plan to monitor its implementation as well.

35. Mr. GALLEGOS CHIRIBOGA (Ecuador), recalling that several governments had been in office in Ecuador since the country acceded to the Convention in 1990, said that they had all taken steps to implement the Convention, action that was reflected in the report. The new Government now in office was giving its current priority to reform of the law relating to children and young people; a number of projects were under way with assistance from UNICEF and other bodies. Non-governmental organizations were also contributing actively in the area. The National Congress, which included a committee on human rights among its various committees, would shortly be dealing with the question of such draft legislation. Ecuador was confronted with a tremendous task, but its experience might perhaps provide a useful example for other countries. It was proud of the fact that it had placed the international legislation to which it was party on an equal footing with its domestic legislation, so giving immediate effect at national level to those international instruments.

36. As a democracy, Ecuador was concerned that not only government and parliament but also civil society should be involved in formulating policies. A National Council on Children had been established to oversee implementation of the National Plan of Action for children. Both the Government and representatives of civil society - largely non-governmental organizations - were represented on the Council, so that not only the ministries concerned but also the non-governmental organizations would be involved in monitoring the Plan. The high level of awareness of the Convention among children was a major achievement in a country where many children lived in remote and

inaccessible areas. Efforts were being made to improve education and health services for children. The globalization of world markets was merely the most recent of the difficulties outside its control that Ecuador was facing in its efforts over the past 15 years to improve its economy and so reduce poverty. As the report and written responses showed, the Government's commitment to action had been made manifest; some action had already been initiated and it was hoped that further measures would follow.

37. It was difficult to give figures for the indigenous population of the country since the majority of Ecuadorians were of mixed race. Furthermore, indigenous people were found not only in rural and remote areas but also formed a component of the urban population. Indigenous people played an important part in the political system, having their own political parties and parliamentary representatives. They also had access to higher education and were found in prestigious occupations. While it was true that more could be done to improve health and education for the rural indigenous population, much had already been achieved, as was evidenced by the rise in life expectancy nationwide from 38 years in 1950 to over 65 at the present time. Ecuador was proud of the fact that its culture was its own and reflected the cultures of all the races contributing to its make-up - no racial segregation was practised, nor was there any concept of racial purity.

38. Mrs. MOKHUANE said that one of the Committee's concerns was that little appeared to have been done to establish local mechanisms to address the needs of children, largely black children, living on the margins of society. Even though there might be no active racial discrimination, there appeared to be no policies to ensure that such children were guaranteed access to health care or to address the inequalities between the children of the rich and those of the poor. Furthermore, there appeared to be no structures in place to ascertain children's views or allow their voices to be heard.

39. Mr. KOLOSOV, noting that preventive measures were always much cheaper and more effective than remedial measures introduced after the event, asked whether Ecuador had any mechanism in place to scrutinize proposed measures of reform before their adoption in order to ascertain whether they might have any negative impact on children.

40. Mrs. MBOI said her earlier question had remained unanswered. While it was clear that much poverty could be attributed to factors external to Ecuador, she was mainly concerned by the gap between rich and poor within the country itself, since such inequities could foment social unrest and lead to exploitation of the poor and violation of human rights and the rights of children. As a result of the colonial past of the country, the indigenous population and the population of African origin, who formed the majority of the poor, were particularly exposed to the untoward effects of that gap. Hence there was a need for positive discrimination measures to compensate for inequities, to ensure that every citizen had access to basic services and to provide a comprehensive system for the protection of children's rights. Community participation, in particular, was an essential vehicle for achieving those ends.

41. Mrs. SARDENBERG, referring to paragraph 22 of Ecuador's written response to question 3 of the list of issues, asked whether the project being developed

in the city of Cuenca with the support of UNICEF was an outcome of the provisions in the Constitution to promote decentralization of social action. She asked what the structural relationship was between the National Council on Children (CONAME), the National Institute for Children and the Family (INNFA) and the Ecuadorian Standing Forum for and with Children and Young Persons, and inquired how their work was to be coordinated with government institutions.

42. Mr. GALLEGOS CHIRIBOGA (Ecuador), replying to Mr. Kolosov, agreed that prevention was better than cure and that it was necessary to provide mechanisms to assess the impact of proposed reform measures. However, CONAME, INNFA and the Standing Forum, although structured to coordinate activities, were not designed to prevent problems before they arose. Furthermore, it was often action taken outside the country that was the source of the negative impact on its citizens, in particular on its most vulnerable components, children and young people.

43. The deep social gaps perceived by Mrs. Mokhuane were essentially a matter of economics. There was no racial or religious discrimination in Ecuador. An indigenous or Afro-Ecuadorian person who succeeded in acquiring job skills and education was fully accepted into society. It was strongly believed in Ecuador that a good education was the best possible gift to a child. It had been argued that the priority given to funding higher education, the unit cost of which was six times that of compulsory primary education, meant subsidizing the non-poor. While that was to a certain extent true, it had been recognized that without education national poverty could only increase. The difference in status and opportunity between a woman with education and one without, for example, was striking. In that connection, he emphasized that women suffered no limitation in respect of opportunity, once they were educated. It was imperative that the position of the middle class, which made up some 35 to 40 per cent of the total population according to the latest statistics at his disposal, which were regrettably not very up-to-date, should be strengthened through work skills and education in order to improve the position of the nation as a whole. The implementation of the National Plan of Action of 1991, referred to in paragraph 6 of the list of issues, took full account of the importance of education. Considerable advances had been made in improving the quality of education in the rural sector, although there continued to be major problems in that respect.

44. The path out of poverty through education depended, of course, on job opportunities. A government plan existed to provide some 600,000 new jobs, which, given an average family of five members, meant an impact on some 3 million Ecuadorians. Efforts to expand employment had to extend to the export sector as well as the internal market. In that connection, he had noted that the Asian crisis had had a damaging effect on investment flows and profitability in all the countries of the Andean Pact. That external reality had to be confronted. He had followed very closely the accounts of the structural dislocation caused in Indonesia through the application of stringent measures. Unfortunately, internal strife generated by conditions outside national control affected respect for the rights of children. It should be made clear in the various treaty bodies that the capacity of countries, particularly developing countries, to direct resources towards the

solution of social problems was very much influenced by international crises. The effects of globalization, once of benefit to many, currently complicated domestic efforts in the developing countries, in Ecuador specifically.

45. Question 23 of the list of issues asked for further information on measures to alleviate poverty, especially in regard to children belonging to disadvantaged communities. Many such measures had in fact been taken, ranging from the provision of school meals and textbooks to a vast immunization programme against childhood diseases. Some 32,000 housing units had been built. Projects ranged from health to basic education, employment, housing, basic sanitation and the environment, and all were geared to dealing with the most vulnerable population groups, including children. The Social Emergency Investment Fund, which was a State institution, had used loans from the International Development Bank and the Andean Development Corporation to implement projects in education, environmental sanitation and social protection. The Ministry of Social Welfare, through its Child Rescue Operation, had provided comprehensive care for over 106,000 children through some 3,000 child development community centres. The National Child and Family Institute (INNFA), about which a question had been asked was a State-funded agency, formerly headed by the First Lady and currently led by a specialist in child welfare. INNFA was engaged in various programmes designed to benefit children from the country's most vulnerable social sectors from the countryside and the city. All those investments in social activities had been made at a time when poverty was growing dramatically owing to the deepening economic crisis in Ecuador. The causes of the crisis were the impact of El Niño, the decline in oil export earnings and the slowdown in the process of privatization due to the inadequate offers made by foreign investors for the purchase of State-owned enterprises.

46. A further question had been asked regarding respect for the views of the child. Question No. 13 of the list of issues had already requested further information on measures adopted or envisaged to ensure that the principles of the best interests of the child and respect for the views of the child were reflected in legislation and in administrative measures. The Government's written reply stated that the principle of the "best interests of the child" had been incorporated by the Ecuadorian State into its constitutional norms as a principle to be observed and obligatorily applied by the authorities. The "views of the child" principle had been introduced in the same norm. He believed there were not many other national Constitutions that specifically took account of the views of the child in that way.

47. In response to the question about specific measures on behalf of children from indigenous communities, he said that the greatest effort in that area was directed to the promotion of intercultural bilingual education, whereby indigenous children would participate in an educational system that respected the use of their language and guaranteed respect for their cultural and social environment. Under the Constitution, the State guaranteed to indigenous peoples the right to quality education and to an intercultural bilingual educational system. Twenty-five years ago, the ideal had been social absorption into a single culture, on the lines of the "melting pot" favoured in the United States of America. It had since been recognized that such a situation was impossible: cultures needed to have their own space. Ecuador was proud of its rich cultural mix, incorporating the traditions of

the indigenous communities. The inclusion of that principle in the national Constitution also meant that Ecuador had to strive to see that it was respected internationally. One of the aims of the Ecuadorian Mission to the United Nations in Geneva was to encourage the World Intellectual Property Organization to ensure that practical measures were taken to protect the intellectual property rights of indigenous peoples against the pressure exerted by transnational corporations seeking to patent the discoveries of traditional medicine. It was also recognized in the written reply that black people constituted another important ethnic group, although national policies had not as yet established any specific provisions. Clearly, more work needed to be done in that connection.

48. The CHAIRPERSON said that she felt that the question about the attitude of the general population to the issue of respect for the rights of the child had not been fully answered. Although she recognized that plans and recommendations had been initiated, the question was not easily dealt with by legal means and something more fundamental was needed. She would like to know whether, in all the plans referred to, the question of traditional attitudes, whereby children had no rights of their own but were the property of their parents, was being brought to the forefront. What was the general attitude of society to the rights of the child and to what extent was the concept filtering down and being respected, in rural areas especially?

49. Mr. RABAH said that he would like to know more regarding the important institution referred to in paragraph 77 of the initial report (CRC/C/3/Add.44), namely the Ombudsman's Office. He would like to know what cases that office took into consideration, what problems it faced and how efficient it was. He believed there was no direct relation between the office and the economic problems affecting the people as a whole.

50. Mrs. SARDENBERG wished to make a number of specific recommendations. A coordinating body should be established to monitor that part of the National Plan for Human Rights that related to children and integrate it fully into the Plan, which should be annually reviewed and updated. The review of related legislation, in particular the Children's Code and derived regulations, should be speeded up. The information system should be restructured, not only to make it more reliable and up-to-date but also to integrate it into social policy and ensure that it formed the basis of any new Government action. As far as the need for a change of public opinion regarding the rights of the child was concerned, the gap between words, in the form of legislation, and deeds, which were still lacking, demanded stronger action on the part of the Government to ensure more effective implementation of the Convention. Parliament needed to work with the Executive Branch to produce more concrete results.

51. Ms. PALME said that, given the difficult economic situation in Ecuador, children faced the risk of being forced into work at an early age. Ecuador had already ratified a number of ILO Conventions relating to employment and she wondered whether any consideration was being given to ratifying the more comprehensive Convention 138 on child labour. She was also concerned about the different ages at which girls and boys were deemed to have reached the end of childhood: 12 years for girls and 14 for boys. The age for marriage was 18. At the same time, the age of sexual consent for girls was 12. She

noted that there was little education offered in reproductive health. The lack of such education posed a real risk for young girls especially, in the form of early pregnancies damaging to their health and exposure to the HIV/AIDS pandemic. In connection with the education offered to girls and boys, she noted that Ecuador was not alone in having a male-dominated culture. As she well knew, it took a long time to eradicate such attitudes, but equality between men and women was a necessary precondition for change. Men and women tended to have different definitions of development and, if male values were left to predominate, the development achieved might be less than women wanted in regard to health, education and the rights of the child in a broader sense. She asked whether the Government was fully aware of the lag in social attitudes regarding equality between girls and boys and of what that might mean for the future.

52. The CHAIRPERSON said that it appeared from the report, in connection with the achievement of citizenship, that Congress had rejected the idea of the child being a citizen. She asked whether the new Constitution had altered that situation. Also, had it had any effect on the different age limits set in certain areas? The determination of adulthood was another of the Committee's concerns. Was that issue also under review?

53. Mr. KOLOSOV pointed out that while paragraph 66 of the report clearly indicated that the definition of the child covered all persons under the age of 18 and did not depend on puberty, paragraph 67 said that, in the cultural context, puberty marked the end of childhood. The problem was clearly one of raising awareness among the public rather than enacting legislation.

54. Mrs. MOKHUANE said that the different age limits set with respect to exemption from criminal responsibility and so forth recognized the evolving capacities of children up to the age of 12 or 14. Setting the age of puberty for girls at 12, as marking the end of childhood, seemed discriminatory.

55. Mrs. SARDENBERG asked whether the new Constitution recognized the special rights of handicapped children and whether there were any plans or projects for government assistance to such children.

The meeting rose at 1 p.m.